

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  Plaintiff, )                          8:16CR256  
                                  )  
                                  vs. )  
                                  )  
ALAN RUSSELL, )                          ORDER  
                                  )  
                                  Defendant.. )

This matter is before the court on the Plaintiff's unopposed Motion to Continue Trial [118]. Counsel advises that a witness critical to this government's case-in-chief has medical issues that will prevent the defendant from testifying. For good cause shown,

**IT IS ORDERED** that the unopposed Motion to Continue Trial [118] is granted as follows:

1. The jury trial, now set for August 29, 2017 is continued to **October 10, 2017**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and October 10, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).
4. A party may object to this order by filing an "Objection to Magistrate Judge's Order" no later than **August 25, 2017**. The objecting party must comply with all requirements of NECrimR 59.2.

**DATED August 18, 2017.**

**BY THE COURT:**

**s/ Susan M. Bazis**  
**United States Magistrate Judge**